

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

**Rule making related to five-year rules review**

The Human Services Department hereby amends Chapter 143, “Interstate Compact on Juveniles,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 232.171.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 232.171.

*Purpose and Summary*

The rules in Chapter 143 were reviewed as a part of the Department’s five-year rules review. As a result, this rule making clarifies that the Department participates in contractual agreements with the other 49 states, the District of Columbia and the United States Virgin Islands. Guam, American Samoa, the Commonwealth of Puerto Rico and the Northern Marianas Islands are eligible to become compacting states should they decide to do so but are not currently active.

The name of the governing body of the Interstate Compact for Juveniles is updated to reflect the current name, the Interstate Commission for Juveniles. This Commission includes representatives from all 50 states, the District of Columbia and the United States Virgin Islands who work together to preserve child welfare and promote public safety.

Form names for the forms used to send a juvenile out of state under the compact are revised to reflect the current names. Also, this rule making clarifies that the Department must pay for the return to the state of Iowa of any runaway, escapee or absconder for whom the Department has legal custody or guardianship responsibility, which reflects the Department’s current practice.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on September 7, 2022, as **ARC 6510C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Council on Human Services on November 10, 2022.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on February 1, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend **441—Chapter 143**, preamble, as follows:

**PREAMBLE**

Iowa Code section 232.171 authorizes the state of Iowa to enter into the interstate compact on juveniles and incorporates into the Iowa Code the 15 basic articles and optional amendments that govern the interstate compact for all participating parties. The department implements the interstate compact on juveniles and participates in the contractual agreement with the other 49 states, the District of Columbia or its designee, and the United States Virgin Islands, ~~and Guam~~. The contractual agreement allows the parties to cooperate on the interstate aspects of juvenile delinquency as well as the return from one state to another of nondelinquent children who have run away from home.

ITEM 2. Amend rule 441—143.1(232) as follows:

**441—143.1(232) Compact agreement.** As a member of the interstate compact on juveniles, Iowa is in a contractual agreement with the other 49 states, the District of Columbia or its designee, ~~Puerto Rico and Guam~~ the United States Virgin Islands, in which the department of human services shall cooperate on interstate aspects of juvenile delinquency, and the return from one state to another of nondelinquent children who have run away from home.

ITEM 3. Amend subrule 143.2(1) as follows:

**143.2(1)** The compact administrator may appoint a deputy compact administrator to serve as an active member of the ~~association of juvenile compact administrators~~ interstate commission for juveniles and who shall be responsible for day-to-day operation of the interstate compact.

ITEM 4. Amend subrules 143.3(2) and 143.3(3) as follows:

**143.3(2)** Interstate Compact for Juveniles Form IA VI, Application for Compact Services; ~~and Interstate Compact Form VI, Memorandum of Understanding and Waiver~~, shall be signed by the juvenile and parents or guardian, the Iowa juvenile court judge consenting to the placement in the receiving state, and the juvenile compact deputy.

**143.3(3)** The ~~Memorandum of Understanding~~ Application for Services and Waiver shall have the conditions of the probation or parole as granted by the court of jurisdiction attached.

ITEM 5. Amend subrule 143.5(6) as follows:

**143.5(6)** The ~~interstate unit~~ department shall pay for the return to Iowa of any runaway, escapee, or absconder for whom the department has, at the time the juvenile left the state, legal custody or guardianship responsibility. ~~The interstate unit shall also pay upon request for the return of any runaway who is an Iowa resident and whose parent is unable or unwilling to pay for the juvenile's return.~~ The responsibility for the payment for the return of a runaway, escapee, or absconder not under custody

or guardianship of the department shall be that of the juvenile court having legal jurisdiction of the juvenile.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/30/22.